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Letter dated 23 November 2010 from the Chairman of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

On behalf of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and in accordance with paragraph 11 of Security Council resolution 1916 (2010), I have the honour to transmit herewith the report of the United Nations Resident and Humanitarian Coordinator for Somalia on the implementation of paragraphs 4 and 5 of the latter resolution and on any impediments to the delivery of humanitarian assistance in Somalia (see annex). The report was considered at the informal consultations of the Committee, held on 22 November 2010.

I would appreciate it if the present letter and its annex were brought to the attention of the members of the Council and issued as a document of the Council.

(*Signed*) Claude **Heller**
Chairman
Security Council Committee pursuant to resolutions 751 (1992)
and 1907 (2009) concerning Somalia and Eritrea

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Annex

Letter dated 11 November 2010 from the Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator addressed to the Chairman of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

In accordance with paragraph 11 of Security Council resolution 1916 (2010), I have the honour to transmit herewith the report of the United Nations Resident and Humanitarian Coordinator for Somalia (see enclosure).

The humanitarian community working in Somalia wishes to advise that it maintains its definition of "implementing partner", as mentioned in paragraph 5 of Security Council resolution 1916 (2010), which is as follows:

> "Implementing partner", a non-governmental organization or community-based organization that has undergone due diligence to establish its bona fides by a United Nations agency or another non-governmental organization, and that reports when requested to the Resident and Humanitarian Coordinator for Somalia on mitigation measures. Implementing partners have the following characteristics:
>
> (a) The organization is part of the consolidated appeals process for Somalia (or the common humanitarian fund process);
>
> (b) The organization is represented in a cluster's 3W matrix (*Who does What and Where*).

I would be grateful if the present letter was brought to the attention of the members of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea.

(*Signed*) Catherine **Bragg**
Assistant Secretary-General for Humanitarian Affairs
and Deputy Emergency Relief Coordinator

Enclosure

Report of the United Nations Resident and Humanitarian Coordinator for Somalia

I. Introduction

1. The present report is the second submission pursuant to Security Council resolution 1916 (2010). In paragraph 11 of that resolution, the Council requested the Resident and Humanitarian Coordinator for Somalia to report to the Security Council every 120 days on the implementation of paragraphs 4 and 5 of the resolution, and any impediments to the delivery of humanitarian assistance in Somalia, through the support of United Nations agencies and organizations having observer status with the United Nations General Assembly that provide humanitarian assistance.

2. This second report of the Coordinator covers the period from August to November 2010. It focuses primarily on the regions of Somalia under the control of Al-Shabaab, which was listed, pursuant to paragraph 8 of Security Council resolution 1844 (2008), by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, on 12 April 2010.

3. Like the first report (see S/2010/372), the present report outlines the constraints on humanitarian access and their operational implications, as well as the mitigation measures that have been put in place to address "politicization", "misuse" and "misappropriation". Comments made by Member States following the Emergency Relief Coordinator's briefing to the Security Council in August 2010 were taken into consideration, and are addressed to the greatest extent possible in this report. In order to draw on the widest possible sources of information, the Coordinator used a survey to collect information on the mitigation measures the humanitarian community intends to or currently employs.

4. The volatile political and military context in Somalia continues to make the delivery of humanitarian assistance challenging but not impossible. To varying degrees, all regions of Somalia require humanitarian assistance. As stated in the first report, central and southern Somalia remain the epicentre of the humanitarian crisis. Fighting among the parties to the conflict continued during the reporting period, especially in Mogadishu and its environs, with additional conflicts occurring in towns in central Somalia.

5. During the reporting period, Al-Shabaab imposed operating conditions on the humanitarian community which, in some cases, delayed or restricted the delivery of much-needed humanitarian assistance and services. It also banned six organizations outright from operating in its areas of control.

6. There is concern that fighting in central and southern Somalia among the Transitional Federal Government, its supporters and non-State armed actors vying for territorial control will increase over the coming months, and cause the already poor humanitarian situation to deteriorate even further. In addition, meteorological projections indicate that unfavourable climatic conditions may contribute to increased food insecurity. Nevertheless, the humanitarian imperative to assist those in need means that the humanitarian community in Somalia will continue to operate even under the most adverse conditions.

7. Together with the operational agencies, the Coordinator is seeking to achieve a level of monitoring that is realistic under these circumstances; is rooted in the principle of due diligence; and reflects a context-based standard that can reasonably be met.

II. Constraints on humanitarian access and their operational implications

8. Somalia is a protracted and complex emergency, with a fragile Transitional Federal Government that is primarily based in Mogadishu and is not in control of most of the country. During the reporting period, armed violence between the Transitional Federal Government and various non-State armed actors in Mogadishu increased from a monthly average of 80 security incidents (armed conflict, terrorism, crime and civil unrest) in the first half of the year to roughly 120 security incidents per month over the past four months. This ongoing conflict has resulted in loss of life, frequent and constant displacement, loss of livelihoods and food insecurity. From mid-July to mid-October, the three main hospitals in Mogadishu admitted over 2,400 war casualties, 300 of whom were children under 5 years of age.

9. An estimated 1.4 million people are internally displaced. The largest concentration resides in the Afgooye Corridor, where the number is currently assessed at 409,000 people. During the reporting period, approximately 35,000 people per month were internally displaced, the majority in central and southern Somalia. Displacement from and within Mogadishu accounted for more than half of this displacement.

10. Somalia continues to have one of the highest malnutrition rates in the world, although slight improvements were recorded over the past four months. The estimated national caseload of malnourished children has dropped from 240,000 to 230,000. Roughly 35,000 are severely malnourished, down from 63,000 six months ago.

11. The number of people currently in need of emergency humanitarian assistance and/or livelihood support throughout Somalia has dropped by 25 per cent, from 2.6 million to 2 million. This is partly the result of two good rainy seasons (*Deyr* 2009 and *Gu* 2010), the easing of the 2009 economic crisis, and the introduction of a new methodology for counting people in crisis during the *Gu* 2010 assessment. Although the recent *Gu* seasonal rains led to a short-term increase in food availability, delayed secondary rains are raising concerns about a return to greater food insecurity in the coming months. While the number of people in need has decreased to 2 million, this still represents 27 per cent of the total Somali population.

12. During the reporting period, humanitarian operations continued to be affected by the conduct of all parties to the conflict. As a result of their actions, the ability of humanitarian actors to reach populations in need was uneven and constantly fluctuating. Access to populations in central Somalia varied primarily because of fighting among non-State armed actors and between local clan-based administrations and non-State armed actors. In southern Somalia, where non-State armed actors are in control of nearly all of the territory, fighting was localized, brief

and sporadic. Access remained extremely limited owing to their continued antipathy towards receiving humanitarian assistance.

13. Non-State armed actors were responsible for a number of incidents against United Nations and non-governmental organization staff, assets and facilities. In August and September alone, 12 security incidents directly affected humanitarian organizations. Non-governmental organization compounds were temporarily occupied, forcing the suspension of humanitarian interventions, and in a few cases, resulted in the expulsion of the organization. Food aid was confiscated from warehouses and burned, allegedly for having expired, being contaminated, or because it belonged to a particular organization. During the reporting period, six international non-governmental organizations were ordered to shut down their humanitarian operations for a variety of reasons, including for allegedly receiving support from the United States of America or propagating Christianity. In August, humanitarian organizations were severely hampered when Al-Shabaab decreed that all non-governmental organizations operating in its area of control must pay taxes to cover registration, programmatic contracts and vehicle use. Humanitarian organizations reported that refusal to pay these taxes resulted in an uneven response. In some regions, humanitarian activities stopped because of non-payment, while in others, activities continued despite non-payment.

14. Even with these difficulties, the ability to provide assistance and retain a rapid response capacity in situations of acute humanitarian need was maintained. While permanent international humanitarian staff presence decreased over the past few years, the United Nations and the non-governmental organization community continue to maintain permanent staff on the ground. The average number of staff during the reporting period was 140 international staff, with the majority based in northern and north-eastern Somalia. In central and southern Somalia, where permanent international staff presence is severely restricted and, in parts, non-existent, the main responsibility to implement humanitarian activities remains with national staff and national implementing partners on the ground.

15. The humanitarian community's inability to engage, at the highest levels, with key non-State armed actors on issues of humanitarian principles and humanitarian access continues to restrict operations in central and southern Somalia. Engagement is important because the regions of greatest humanitarian concern generally coincide with areas controlled by a predominant non-State armed actor. The reason for non-State armed actors' apparent lack of interest in receiving humanitarian assistance is unclear. Humanitarian access remains highly localized and dependent on the extent of the needs; it also requires a sympathetic local clan-based administration or non-State armed actor that permits humanitarian assistance in line with humanitarian principles. As a result, humanitarian access in central and southern Somalia is fleeting, limited and variable.

16. Despite this very difficult environment, humanitarian programming continues. Although it was not possible to meet international standards such as "Sphere" (a set of globally accepted humanitarian guidelines), the humanitarian community was able to make some progress. During the reporting period, the health sector's case management interventions successfully kept cholera and acute watery diarrhoea at manageable levels, particularly in the south and in Mogadishu. Hospitals were rehabilitated, and doctors from international organizations trained over 200 health practitioners. In Mogadishu, 340,000 vulnerable people received regular food

assistance. Some progress was also made with children. In central Somalia, 80,000 children benefited from increased access to monthly supplementary feeding centres. Over 11,000 children benefited from educational support, which included the distribution of exercise books and school supplies, and 13 temporary classrooms were built along the Afgooye Corridor. Approximately 19,500 newly displaced persons scattered among 15 internally displaced person settlements in Mogadishu received emergency relief supplies, while 80,000 residents of Mogadishu benefited from water chlorination programmes.

III. Risk mitigation measures

17. The Security Council in resolution 1916 (2010) called on Member States and the United Nations to take all feasible steps to mitigate politicization, misuse and misappropriation of humanitarian assistance by armed groups, and requests the Coordinator to report every 120 days on such implementation measures. As stated earlier, for the present report, the Coordinator used an Internet-based survey format to canvass the views and opinions of the humanitarian community.

18. The first report of the Coordinator outlined various policy documents from both the United Nations country team and the Inter-Agency Standing Committee for Somalia that guide humanitarian work in Somalia's high-risk environment. A recent addition to the existing policy documents is the position paper by the Inter-Agency Standing Committee on the humanitarian presence in southern and central Somalia, which outlines the process for considering the complex issues around replacing organizations that have been expelled or forced to suspend operations. The position paper outlines the importance of maintaining a humanitarian presence in southern Somalia, given the urgent humanitarian needs, and reaffirms that agencies should resist interference in their humanitarian operations by non-State armed actors.

19. The recently concluded Somalia consolidated appeal process for 2011 underlined the importance of strategies to maintain the quality of humanitarian programmes and accountability towards beneficiaries and donors. It was further concluded that enhanced information-sharing and transparency are critical requirements for the 2011 humanitarian response. Projects submitted for the 2011 consolidated appeal process also included commitments relating to the measures organizations will implement to keep stakeholders and, in particular, local communities informed.

20. In an effort to increase accountability to beneficiaries and donors, the Inter-Agency Standing Committee for Somalia initiated an inter-agency evaluation of the collective humanitarian response in central and southern Somalia. The evaluation will determine the effectiveness of aid that has been delivered and the efficiency of the delivery, and identify best practices and key lessons from humanitarian responses between January 2005 and December 2009. The Committee agreed to the terms of reference for the evaluation and, in September 2010, an evaluation manager was hired and the steering committee established.

21. All projects funded by the humanitarian response fund (an emergency response fund) are being audited. In an effort to strengthen this process, a three-year framework agreement was recently signed with two audit companies, not only to conduct audits in accordance with the International Standards on Auditing, but also to review the monitoring mechanisms in place and, where possible, undertake field

visits. The audit companies began work in September and are auditing 79 projects worth over $11.6 million that were funded between late 2009 and the first half of 2010. The majority of the projects were implemented in central and southern Somalia, roughly half of them through national non-governmental organizations. The exercise will be completed by the end of 2010 and the findings will provide important lessons learned in project and financial management for the common humanitarian fund (a pooled strategic humanitarian fund) and programming in general.

22. Some humanitarian organizations continue to maintain their presence in border towns in Kenya, in order to support their Somalia operations. Being able to cross the border into Somalia enables humanitarian organizations to respond more quickly to nearby emergency needs, monitor their programmes more effectively, and operate with greater regard to the safety of their staff.

23. As stated in the first report, the country team established a risk management committee to provide policy guidance and identify emerging areas of risk. In October 2010, training modules on the principles and methodologies of risk management were completed, and included tools to enable country team staff to better identify, assess and manage risk. In support of the implementation of a risk culture in the country team, national and international staff based in Nairobi and Somalia will receive risk management training in November and December 2010.

24. Also in November 2010, the contractor information management system, designed to reduce risks associated with contracting and improve due diligence procedures, will commence its first phase of operation. The system was designed to enable the country team to share information on the performance, capacity and integrity of partners and contractors.

25. The system is fully supported by the country team, which is committed to populating the database over the next three months with all the necessary contracting information. This will enable analysis of the information and the development of risk reports. Owing to the high level of interest shown in potentially accessing and using the database, the risk management committee and risk manager will undertake future discussions on expanding the database to incorporate information from other international partners.

26. In addition to the risk management regime, the United Nations and non-governmental organization humanitarian actors instituted various strategies to mitigate the potential politicization, misuse or misappropriation of humanitarian aid or funds by non-State armed actors. Organizations responding to the survey undertaken for this report indicated that they continue to insist that their staff adhere to organization-specific "codes of conduct", humanitarian principles and the various policy papers of the Inter-Agency Standing Committee for Somalia on engaging with armed actors.

27. Organizations also reported that they generally screen their staff, implementing partners and contractors against United Nations sanctions lists. A few reported that they additionally screen against Member States' sanctions lists. In situations where a non-State armed actor's demands conflicted with organizational mandates or humanitarian principles, organizations suspended programmes and resumed only when a resolution in line with humanitarian principles was found. In situations where it was not possible to resume the humanitarian activity,

organizations either stopped their operations or shifted their interventions to a humanitarian activity that allowed for greater oversight and control. Lastly, organizations reported that their continued direct engagement with communities proved to be one of the strongest mitigation measures against possible political or military interference in humanitarian activities.

28. The survey revealed instances of misappropriation. In one instance, food that was allegedly infested was partly destroyed and partly looted. It is unclear whether all the food was burned as publicized, but reports suggest that it was not. Also, food intended for flood victims found its way into the hands of looters for their own use, which means that misappropriation is likely to have occurred. The affected organization no longer stockpiles emergency food in the regions under the control of the non-State armed actor possibly responsible for the misappropriation. In another instance, health and nutrition supplies were removed by a non-State armed actor from an organization's warehouse after it was ordered to close down its humanitarian activities. The supplies were removed without the permission of the organization and have disappeared. Because the organization had already shut down its operations, no further mitigation measures were required.

29. In general, organizations reported that current mitigation measures in place to prevent misappropriation, while being strengthened, are adequate. Organizations have taken a series of actions, including the appointment of a senior compliance officer solely dedicated to the Somalia operation; the introduction of agency-specific risk management regimes and related staff training; the use of suppliers and contractors that have a good track record and are not connected to any party to the conflict; and the appointment of a senior head of procurement to ensure greater accountability and financial systems management. As with misuse, the measures for mitigating misappropriation include complaint telephone hotlines for beneficiaries, financial controls, and post-distribution monitoring systems.

30. Organizations did not report any specific instance of misuse. However, in an effort to mitigate any future misuse, they continue to spend significant resources to improve their monitoring and evaluation. For example, some organizations undertake aid distributions only when either their staff or staff from the implementing organization can be physically present. Others have established hotlines for beneficiaries to complain; have embedded staff with local partners to ensure direct links to the community; or have hired external evaluators. Generally, organizations are increasing systems to tighten financial controls.

31. The reports received by the Coordinator suggest that organizations are keenly aware of the dangers of politicization, misuse and misappropriation and therefore continue to develop or refine methodologies to mitigate such possibilities. As stated in the first report, the humanitarian community working in Somalia is committed to ensuring that humanitarian programmes have the necessary impact on the lives of the affected populations and are credible to the donors.

IV. The impact of Security Council resolution 1916 (2010)

32. Informally, donors stated that it is still too early to ascertain whether Security Council resolution 1916 (2010) has had an impact on their respective funding levels. Some stated that they believe that their domestic legislation may have had more of an effect on funding decisions than the resolution. Others stated that the reporting

requirement under the resolution synthesizes humanitarian information into one succinct report. The humanitarian community welcomed the opportunity to provide a concise picture of due diligence and risk mitigation strategies that ultimately benefit those in need. However, the frequency of the reporting is considered onerous and could possibly be revisited.

33. New funding for Somalia is 26 per cent lower than in 2009. Some suggest that this decline is linked to resolution 1916 (2010), while others believe that factors such as currency fluctuations, the global economic crisis and a shift in focus towards new emergencies (for example, Haiti and Pakistan) have also contributed to the funding decline.

34. The survey revealed that organizations do not consider that the resolution has had a significant impact on their humanitarian operations. They are under the impression that Member States have not used the "carve-out" provision as liberally as expected. While the Member States that have domestic legislation in place have made it clear that the carve-out does not assist them, organizations have suggested that even Member States that do not have their own domestic legislation seem to be reluctant to fund.

V. Conclusion

35. The majority of the population in need of humanitarian assistance resides in areas under the control of non-State armed actors listed under Security Council resolutions. During the reporting period, violence against the civilian population by all parties to the conflict continued, resulting in displacement and restricting humanitarian access. Despite these difficult circumstances, it has been possible to maintain humanitarian interventions, although far below what is required. It has not been possible to respond systematically in the geographical areas where the needs are the greatest. In particular, the humanitarian community remains concerned that the areas of greatest need are affected by resolution 1916 (2010).

36. The survey taken for the present report demonstrated that humanitarian organizations remain actively concerned and vigilant about the risks involved in operating in Somalia. They continue to introduce or refine operational guidance and enhanced monitoring systems to reduce the risks inherent in the politicization, misuse and misappropriation of humanitarian assistance.